

The Combined Women’s Refuge Group (CWRG) is a member organisation of over 25 refuges across Southeast Queensland. Our Executive team, consisting of five refuge managers, has 100 years of experience in the Domestic and Family Violence sector.

We have grouped the options outlined in *Discussion Paper 1, Options for legislating against coercive control and the creation of a standalone domestic violence offence’s* by offences; defences and sentencing; a register; and jury directions. We have provided feedback on advantages and opportunities, as well as disadvantages and risks, based on our deep knowledge, built over decades of working with women and children escaping domestic and family violence.

The CWRG has extended an invitation to the Taskforce to visit refuges and talk to managers, workers and survivors who would like to share their story. We again extend this invitation.

Feedback on offences (options 4, 5, 6, 7 and 8)

Key advantages and opportunities	Key disadvantages and risks
<ul style="list-style-type: none"> • Coercive control as a legal offence will lend more substance to the offence and broaden the DFVP Act. • Currently, DV is only a civil matter, and the issue does not become criminal until a protection order is breached. Often police do not charge a PUV unless there are several breaches of the order. The perpetrator could be held to greater account if a criminal charge was available. • Having coercive control as an offence could lead to a greater understanding of what this pattern of behaviour means and the deadly consequences that it can have for victims. • Creating an offence of cruelty may assist with increasing the community’s understanding of the offence, due to the word ‘cruelty’ being used in everyday language. The term ‘coercive control’ is not well understood in the community. 	<ul style="list-style-type: none"> • Outcomes for First Nation’s women, culturally and linguistically diverse communities and women with disabilities needs to be examined. This is a serious concern given these groups traditionally experience further harm and disempowerment when seeking help from the criminal justice system. • Cross orders would allow the PUV to take advantage and further manipulate the survivor.

<ul style="list-style-type: none"> • DV is often thought to be an incident-based offence, rather than a sustained pattern of behaviours. This lack of understanding endangers women as they can be misidentified as the primary aggressor. 	
<ul style="list-style-type: none"> • Introducing offences into the Criminal Code may be more likely to result in consequences for the perpetrator. It may also ensure that they are made accountable for their actions and increase reporting of the offence. • Any DV offence introduced into the criminal code should change the perception of DV in the community and may be a deterrent for the offender. A criminal offence may be more likely to lead to imprisonment, especially if there are recidivist offences. • One of the advantages of including DV offences into the criminal code, is that it sends a message to perpetrators, and to the community at large, that these behaviours will not be accepted. • Introducing these offences into the Criminal Code may make our justice system more accountable and provide magistrates a better benchmark to impose penalties. 	<ul style="list-style-type: none"> • PUV's could use coercive control legislation to make a complaint about the victim's behaviour to achieve further control over them. • Abuse may escalate if police intervene. • Women might be reluctant for the PUV to have a criminal record, as it may reduce the PUV's ability to gain employment. • Careful consideration must be given to ensure that any new laws do not give a victim a false sense of security. • How will police investigate a charge of coercive control? Will they have the resources they require to complete a full investigation? Will there be adequate funding and training at all levels of the justice system? • Any new legislation must be accompanied by adequate funding to ensure that everyone in the community understands the legislation and the consequences of breaching the legislation. This includes First Nations people, different cultural and language groups, the LGBTQIA+ community and disability groups. • Introducing new legislation requires increased funding to victim support services and to the justice system as new legislation will bring additional cases before the courts.

Feedback on defences and sentencing (options 2, 9, 12, 13)

Key advantages and opportunities	Key disadvantages and risks
<ul style="list-style-type: none"> • Collaboration with other services is required to access more information for risk assessment and safety. • Creating a coercive control defence should provide victims protection under the law for self-defence. 	<ul style="list-style-type: none"> • Confidentiality breaches are a risk. • Coercive control defence may be used by PUV to avoid being charged.

Feedback on jury direction (option 10)

Key advantages and opportunities	Key disadvantages and risks
<ul style="list-style-type: none"> • A jury who is informed understands DV should lead to more positive outcomes and safety for survivors. 	<ul style="list-style-type: none"> • Without awareness or understanding of DV how can a jury make an informed decision? • Hearings can be long and can put additional stress on the victim, compared to the relative short process in a Magistrates Court. The long length of time also provides an opportunity for the PUV to pressure the victim to amend or drop proceedings.

Feedback on a register (option 11)

Key advantages and opportunities	Key disadvantages and risks
<ul style="list-style-type: none"> • A register would provide QPS with immediate information regarding serial DV offenders. • A register of serial DV offenders should be national, rather than state based. Police should be obligated to check the register. • The register should be private, however, QPS should be able to share information with specialist DV workers to ensure women and children remain safe. • Creating a post-conviction civil supervision and monitoring scheme should, along with ankle monitoring, should include drug and alcohol urine testing and mandatory attendance to evidence-based perpetrator programmes. 	

CWRG recommendation

To support Taskforce recommends, The Combined Women’s Refuge Group (SE Qld) recommends that Queensland commits to piloting a state-wide program to employ DV support workers to attend DV incidents with police in several community settings (suburban, regional, rural and remote). The evaluation of such a pilot could lead to an evidence-based program being rolled-out state-wide to improve the safety of women and children.